REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 31-36 have been cancelled without prejudice. New claims 37-54 have been added. Therefore, claims 37-54 are presented for examination. The following remarks are in response to the final Office Action, mailed June 27, 2007, and the advisory action, mailed August 1, 2007.

35 U.S.C. § 112 Rejection

Claims 1-13, 21-27 and 31-36 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirements.

Applicants respectfully disagree with the Examiner. However, Claims 1-13, 21-27 and 31-36 have been cancelled without prejudice.

35 U.S.C. § 101 Rejection

Claims 31-36 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 31-36 have been cancelled without prejudice.

35 U.S.C. § 103 Rejection

Claims 1-13, 21-27 and 31-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Williams, et al., U.S. Patent No. 6,957,269 ("Williams") in view of Lee, et al., U.S. Patent No. 6,957,269 ("Lee").

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Claim 37 recites:

A method comprising:
receiving a control message from an Ethernet switch, the control message
          identifying a priority level from among a plurality of priority
          levels; and
based on the control message, pausing transmission of Ethernet frames
          associated with lower priority levels than the priority level.
(emphasis added)

Applicants respectfully disagree with the Examiner's characterization of the

references and the pending claims. Applicants maintain their previous arguments and

provide the following additional remarks.

Williams discloses a "network device that controls the communication of data

frames between stations receives data frames having different levels of priority. The

network device identifies the levels of priority and processes the frames based on the

priority level. *When a congestion condition associated with a resource on the network*

device occurs, the network device generates a pause frame that includes a priority

indicator and transmits the pause frame to at least one station. When a receiving station

receives the pause frame, *the receiving station suspends transmission of data frames*

having a priority corresponding to the priority indicator and continues transmitting

frames having other priorities." (Abstract; emphasis added)

Lee discloses a "network device that controls the communication of data frames

between stations receives data frames having different levels of priority. The network

device identifies the levels of priority and processes the frames based on the priority

level. When a congestion condition associated with a resource on the network device

occurs, the network device generates a pause frame that includes a priority indicator and

transmits the pause frame to at least one station. *When a receiving station receives the*

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pause frame, the receiving station suspends transmission of data frames having a priority corresponding to the priority indicator and continues transmitting frames having other priorities." (Abstract; emphasis added)

In contrast, claim 37, as amended, in pertinent part, recites "receiving a control message from an Ethernet switch, the control message identifying a priority level from among a plurality of priority levels; and **based on the control message, pausing transmission of Ethernet frames associated with lower priority levels than the priority level.**" (emphasis added). Williams and Lee, neither individually nor when combined, teach or reasonably suggest at least these limitations of claim 37. For example, Williams discloses the "present invention advantageously modifies the standard MAC control pause frame 300 to include priority-related information, as described in more detail below. According to the present invention, *if a resource associated with data frames of a certain priority becomes congested, the multiport switch 180 may send a control pause frame to request suspension of data traffic of that particular priority, without affecting traffic of other priorities.*" (Abstract; emphasis added). Lee discloses "*[w]hen a receiving station receives the pause frame, the receiving station suspends transmission of data frames having a priority corresponding to the priority indicator and continues transmitting frames having other priorities.*" (Abstract; emphasis added).

Claim 37 recites "based on the control message, pausing transmission of Ethernet frames associated with lower priority levels than the priority level" (emphasis added). The *suspension of data traffic of a particular priority* as disclosed by Williams and Lee is not the same as the "pausing transmission of Ethernet frames associated with **lower priority levels than the priority level**" as recited by claim 37. (emphasis added). Hence, Williams and Lee, neither individually nor when combined,

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teach or reasonably suggest at least the recited features of claim 37. Accordingly, Applicants respectfully submit that claim 1 and its dependent claims are allowable over the cited references.

New independent claims 43 and 49 contain limitations similar to those of claim 37. Accordingly, Applicants respectfully submit that claims 43 and 49 their dependent claims are allowable over the cited references.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

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Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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Date: _September 19, 2007_

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